

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
)	
vs.)	CRIMINAL NO. 06-0088-CG
)	
WOLFGANG SCHRÖDER,)	
)	
Defendant.)	

ORDER

This matter is before the court on the motion of defendant, Wolfgang Schröder, for judgment of acquittal after discharge of the jury, or in the alternative for new trial. (Doc. 144). The court finds that the evidence at trial was sufficient to go to the jury and that the interest of justice does not require a new trial. Therefore, defendant's motion is due to be **DENIED**.

A. Motion for Acquittal

Defendant moves for judgment of acquittal pursuant to Rule 29 of the Federal Rules of Criminal Procedure based on the following grounds:

1. That "the evidence is insufficient to sustain a conviction" of the offense as charged.
2. That the Government has offered no evidence to support the Jury's verdict against the Defendant, Wolfgang Schroeder.
3. That the Government has failed to offer any evidence-circumstantial, direct or otherwise, from which a rational juror could find beyond a reasonable doubt that the Defendant, Schroeder, committed the crime upon which he was charged and found guilty.

(Doc. 144, p.1). However, the court finds there was sufficient evidence of defendant's guilt to go to the jury. The evidence was not so lacking in logical basis such that a reasonable juror must necessarily have had doubt. Therefore, the court finds that a judgment of acquittal is not

warranted in this case.

B. Motion for New Trial

Defendant contends that the court should grant a new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedure because the interest of justice so requires. Defendant asserts that when evaluating motions for new trial “[a] District Court need not view the evidence in the light most favorable to the verdict; it may weigh the evidence and in so doing evaluate for itself the credibility of the witnesses.” (Doc. 144, p.2, quoting United States v. Ward, 274 F.3rd 1320, 1323 (11th Cir. 2001)). The court, after reviewing and weighing the evidence at trial, does not find that the interest of justice requires a new trial.

CONCLUSION

For the reasons stated above, the motion of defendant, Wolfgang Schröder, for judgment of acquittal after discharge of the jury, or in the alternative for new trial (Doc. 144) is **DENIED**.

DONE and **ORDERED** this 18th day of October, 2006.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE